APPENDIX A

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
SECOND DIVISION

Arthur J. Rieger,	Plaintiff,	Civil Action 2-62 Civ.-251
vs.		
Chicago and Northwestern Railroad Company,	Defendant.	

Interrogatories

To Plaintiff Above Named and Berens & Rodenberg, His Attorneys:

You Will Please Take Notice that the defendant demands answers to the within Interrogatories under oath, pursuant to the provisions of Rule 33 of the Federal Rules of Civil Procedure.

1. (a) State specifically the acts of negligence which plaintiff claims the defendant committed that, in whole or in part, contributed to cause plaintiff's injury.

(b) Give the name and address of witnesses by whom plaintiff will establish such negligence.

2. (a) Do you claim that the defendant was negligent in any way by failing to provide to plaintiff a safe place to work?

(b) If the answer to the above question is yes, state specifically in what respects the place where plaintiff was employed was not safe.

(c) State specifically what notice you claim defendant had of such unsafe place to work and what opportunity defendant had to make such place safe.

(d) State in what condition you claim the place where plaintiff was employed should have been, in what you claim defendant should have done to put such place of employment in the condition that you claim it should have been.

(e) Give the name and address of witnesses by whom you will prove that defendant failed to provide plaintiff a safe place to work.

3. (a) Do you claim that any employee or agent of the defendant committed any negligent act which contributed in whole or in part to cause plaintiff's injury?

(b) State specifically what act or acts such agent or employee committed and give the name and address of such agent or employee.

4. (a) Do you claim any tool, appliance or piece of equipment was in any way defective, and that such defective condition contributed in whole or in part to cause plaintiff's injury?

(b) State specifically in what respect it is claimed that any such tool, appliance or piece of equipment was defective by describing in detail the alleged defect.

(c) State specifically the condition it is claimed that such tool, appliance or piece of equipment should have been in, in order not to be defective.

(d) Give the name and address of witnesses by whom plaintiff will establish such defective tool, appliance or piece of equipment.

Stringer, Donnelly and Sharood
By s/ Arthur J. Donnelly
Attorneys for the Defendant
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APPENDIX B

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
SECOND DIVISION

Arthur J. Rieger, Plaintiff, vs Chicago and Northwestern Railroad Company, Defendant.	Civil Action 2-62 Civ.-251

Answers to Interrogatories

Plaintiff for his answers to Interrogatories of defendant states the following:

1. (a) Negligence in the maintenance of or the operation of the derrick or so-called "power crab", negligence in failure to furnish plaintiff a safe place to work, negligence in failure to furnish adequate help in performing the work required of plaintiff, negligence in ordering plaintiff to perform the work under the conditions then and there existing which conditions were either known to defendant's foreman to be dangerous or should have been known to him to be dangerous and if certain witnesses from the employes of defendant are to be believed, then negligence in the design and construction of the derrick or "power crab."

1. (b) I am not at this time absolutely certain of the witnesses my attorneys will call and do not wish to be bound by answer to this Interrogatory as to what wit-

nesses will testify but the following persons all can give testimony as to the negligence of defendant:

P. S. Henry
Arthur J. Rieger
Neil L. Weltsch
Donald C. Menz
Isadore Rieger
Walter Zangel
R. A. Christianson
K. Beck
Josef Malimanek
Adolph O. Lee, 1815 Bayard Avenue, St. Paul 16, Minnesota

2. (a) Yes.

2. (b) Requiring plaintiff to work while standing between a pile of stringers and a stringer suspended from the "power crab" and to do so without sufficient help and assistance to properly control the stringer then being handled by the so-called "power crab" and requiring this of plaintiff at a time when the stringers and the ground, rails and equipment were in an extremely slippery and icy condition and requiring plaintiff to do this without the foreman and power crab operator first ascertaining that the crane or "power crab" would prevent free sideways swinging of the stringer then being handled.

2. (c) Defendant had notice of each and every factor set forth in answer 2—(b) and each and every factor referred to could have been attended to by defendant in a manner so that the accident and injuries to plaintiff could and would have been avoided.

2. (d) Defendant should either have not required plaintiff to work between the stringer and the pile of stringers or having required him to work in that posi-

tion and locality defendant should then and there have furnished sufficient help and assistance to control the stringer and defendant should have taken precautions by the foreman and "power crab" operator to ascertain that the derrick or "power crab" would not permit the sideways swinging of the stringer and the icy condition could have been alleviated by the spreading of sand, cinders or some other such material.

2. (e) I do not wish to be bound as to what witnesses I will call at the trial of this case but the witnesses who can give testimony on this question are the same as those submitted in reply to Interrogatory No. 1—(b).

3. (a) Yes.

3. (b) The acts and conduct as hereinbefore set forth and those referring to place to work, insufficient help and assistance, and failure to ascertain the adequacy of the braking device and its application on the derrick and "power crab" would be the acts and conduct of the foreman Neil L. Weltsch, and the conduct concerning the failure to ascertain the adequacy of the braking device as well as the failure to properly apply the braking device and the failure to properly maintain the so-called "power crab" and device would be the negligence of the "power crab" operator who is K. Beck also known as Patrick Beck.

4. (a) Yes.

4. (b) Failure of the "power crab" and particularly its braking device to hold at a time when according to its operator it had been applied.

4. (c) In such condition that it would have held as it was designed to do.

4. (d) I do not limit myself as to what witnesses I will call but the witnesses known to me who can give testimony as to this are the same as those listed in answer to Interrogatory No. 1—(b).

Respectfully submitted,

s/ Arthur J. Rieger
Arthur J. Rieger

Subscribed and sworn to before me this 23rd day of November, 1962.

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